

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

***The City of Gulfport, Mississippi v. Purdue
Pharma, L.P., et al., 1:19-op-45291-DAP***

MDL NO. 2804

CASE NO. 1:17-md-2804

Judge Dan Aaron Polster

**SHORT FORM FOR SUPPLEMENTING
COMPLAINT AND AMENDING
DEFENDANTS AND JURY DEMAND**

Plaintiff submits this supplemental pleading and Amended Complaint incorporating as if fully set forth herein its own prior pleadings and, if indicated below, the common factual allegations identified and the RICO causes of action included in the Corrected Second Amended Complaint and Jury Demand in the case of *The County of Summit, Ohio, et al. v. Purdue Pharma, L.P., et al.*, Case No. 1:18-op-4509 (“*Summit County Pleadings*”), *In Re National Prescription Opiate Litigation*, in the United States District Court for the Northern District of Ohio, Dkt #513, 514¹), and as may be amended in the future, and any additional claims asserted herein. Plaintiff also hereby amends its complaint to alter the defendants against which claims are asserted as identified below. To the extent defendants were previously sued in plaintiff(s)’ existing complaint and they are no longer identified as defendants herein, they have been dismissed without prejudice except as limited by CMO-1, Section 6(e). Doc. #232.

¹ Docket #513 is the redacted Summit Second Amended Complaint and Docket #514 is the unredacted Summit Corrected Second Amended Complaint filed under seal in Case No. 1:17-md-02804-DAP. The redacted Summit Corrected Second Amended Complaint is also filed in its individual docket, Case No. 1:18-op-45090-DAP, Docket #24

INCORPORATION BY REFERENCE OF EXISTING COMPLAINT

1. Plaintiff(s)' Existing Complaint (No. 1:19-op-45291-DAP, Doc. #1) is expressly incorporated by reference to this Short Form as if fully set forth herein except to the extent that allegations regarding certain defendants that are not listed in section 2 below are dismissed without prejudice.

PARTIES - DEFENDANTS

2. Having reviewed the relevant ARCOS data, Plaintiff asserts claims against the following Defendants:

[List all Defendants against which claims are asserted. To the extent a claim is not asserted against a particular defendant, so indicate below. Otherwise each claim will be deemed to be asserted against all Defendants (except for the RICO claims identified below). If Defendants have not been sued previously in Plaintiff(s)' Existing Complaint, Plaintiff must include separate factuall allegations below in support of each new defendant and must separately serve each newly named Defendant with notification of the specific ARCOS data that Plaintiffs claim supports the addition of this Defendant pursuant to the Court's Order Setting Procedure for Short Form Amendment of Complaints and Incorporation by Reference of Materials Under Seal]

Purdue Pharma, L.P.
The Purdue Frederick Company, Inc.
Purdue Pharma, Inc.
Cephalon, Inc.
Teva Pharmaceutical Industries, Ltd.
Teva Pharmaceuticals USA, Inc.
Janssen Pharmaceuticals, Inc.
Janssen Pharmaceutica, Inc. n/k/a Janssen
Pharmaceuticals, Inc.
Johnson & Johnson
Ortho-McNeil-Janssen Pharmaceuticals, Inc.
n/k/a Janssen Pharmaceuticals, Inc.
Noramco, Inc.
Endo Health Solutions, Inc.
Endo Pharmaceuticals, Inc.
Par Pharmaceutical, Inc.
Allergan plc f/k/a Actavis pls
Allergan USA, Inc. f/k/a Allergan, Inc.,
Actavis, plc
Actavis, LLC
Actavis Pharma, Inc. f/k/a Watson
Pharma, Inc.

Watson Laboratories, Inc.
Anda, Inc.
Anda Pharmaceuticals, Inc.
Amneal Pharmaceuticals, LLC
McKesson Corporation
Cardinal Health, Inc.
AmerisourceBergen Drug Corporation
Mallinckrodt, plc
Mallinckrodt, LLC
SpecGx, LLC
Insys Therapeutics, Inc.
CVS Health Corporation
CVS TN Distribution, LLC
Mississippi CVS Pharmacy, LLC
Walgreen Co.
Walmart, Inc.
Winn-Dixie Logistics, LLC f/k/a Winn-Dixie
Logistics, Inc.
J M Smith Corporation f/k/a Smith Drug
Company

I, Matthew G. Mestayer, Counsel for Plaintiff, certifies that in identifying all Defendants, I have followed the procedure approved by the Court and reviewed the ARCOS data that I understand to be relevant to Plaintiff.

I further certify that, except as set forth below, each of the Defendants newly added herein appears in the ARCOS data I reviewed.

I understand that for each newly added Defendant not appearing in the ARCOS data, I must set forth below factual allegations sufficient to state a claim against any such newly named Defendant that does not appear in the ARCOS data.

The following newly added Defendant(s) do not appear in the ARCOS data I reviewed:
Not applicable.

Dated: **October 18, 2019**

/s/ Matthew G. Mestayer

Attorney for Plaintiff(s)

Factual Allegations Regarding Individual Defendants:

- 2.1 Par Pharmaceutical, Inc. – ARCOS data listed a minimum of 5% market share;
- 2.2 Allergan USA, Inc. f/k/a Allergan, Inc. – ARCOS data listed a minimum of 5% market share;
- 2.3 Anda, Inc. – ARCOS data listed a minimum of 5% market share;
- 2.4 Anda Pharmaceuticals, Inc. – ARCOS data listed a minimum of 5% market share;
- 2.5 Amneal Pharmaceuticals, LLC – ARCOS data listed a minimum of 5% market share;
- 2.6 SpecGx, LLC – ARCOS data listed a minimum of 5% market share;
- 2.7 CVS TN Distribution, LLC – ARCOS data listed a minimum of 5% market share;
- 2.8 Mississippi CVS Pharmacy, LLC – ARCOS data listed a minimum of 5% market share;
- 2.9 Walgreen Co. – ARCOS data listed a minimum of 5% market share;
- 2.10 Winn-Dixie Logistics, LLC f/k/a Winn-Dixie Logistics, Inc. – ARCOS data listed a minimum of 5% market share;
- 2.11 J M Smith Corporation d/b/a Smith Drug Company – ARCOS data listed a minimum of 5% market share;

COMMON FACTUAL ALLEGATIONS

3. By checking the boxes in this section, Plaintiff hereby incorporates by reference to this document the common factual allegations set forth in the Summit County Pleadings as identified in the Court's Order implementing the Short Form procedure. Dkt. #1282

- ☒ Common Factual Allegations (Paragraphs 130 through 670 and 746 through 813)
- ☐ RICO Marketing Enterprise Common Factual Allegations (Paragraphs 814-848)
- ☐ RICO Supply Chain Enterprise Common Factual Allegations (Paragraphs 849-877)

4. If additional claims are alleged below that were not pled in Plaintiff's Existing Complaint (other than RICO claims asserted herein), the facts supporting those allegations must be pleaded here. Plaintiff(s) assert(s) the following additional facts to support the claim(s) identified in Paragraph 6 below (below or attached):

Not applicable.

CLAIMS

5. The following federal RICO causes of action asserted in the Summit County Pleadings are identified in the Court's implementing order and any subsequent amendments. Dkt. 514, and are incorporated in this Short Form Amended Complaint by reference in addition to the causes of action already asserted in the Plaintiff(s) Existing Complaint (check all that apply):

☐ First Claim for Relief – Violation of RICO, 18 U. S. C. §1961 et seq. – Opioid Marketing Enterprise (Against Defendants Purdue, Cephalon, Janssen, Endo and Mallinckrodt (the "RICO Marketing Defendants")) (Summit County Pleadings, Paragraphs 878-905)

☐ Second Claim for Relief – Violation of RICO, 18 U.S.C. §1961 et seq – Opioid Supply Chain Enterprise (Against Defendants Purdue, Cephalon, Endo, Mallinckrodt, Actavis, McKesson, Cardinal, and AmerisourceBergen (the "RICO Supply Chain Defendants")) (Summit County Pleadings, Paragraphs 906-938)

6. Plaintiff asserts the following additional claims as indicated (below or attached):

Not applicable

7. To the extent Plaintiff(s) wish(es) to dismiss claims previously asserted in Plaintiff(s)' Existing Complaint, they are identified below and will be dismissed without prejudice.

Not applicable

WHEREFORE, Plaintiff prays for relief as set forth in the Summit County Pleadings in In Re National Prescription Opiate Litigation in the United States District Court for the Northern District of Ohio, MDL No. 2804 and in Plaintiff's Existing Complaint as has been amended herein.

Dated: **October 18, 2019**

/s/ **Matthew G. Mestayer**

Attorney for Plaintiff(s)

CERTIFICATE OF SERVICE

I hereby certify that this the 18th day of October, 2019, I electronically filed a copy of the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Matthew G. Mestayer
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